



Governor John Kasich

April 27, 2017

Kimberly Hill
19 Hawthorn St.
Dayton, OH 45402

Chief Richard Biehl
City of Dayton, Police Department
335 W. 3rd St.
Dayton, OH 45402

**LETTER OF DETERMINATION
UPON RECONSIDERATION**

Kimberly A. Hill v City of Dayton, Police Department
DAY A6(25679)05102016; 22A 2016 01855C

SUMMARY OF ALLEGATIONS:

Charging Party filed a charge of discrimination with the Ohio Civil Rights Commission alleging that Respondent engaged in an unlawful discriminatory practice. All jurisdictional requirements for filing a charge have been met.

After receiving the charge, the Commission conducted an investigation into Charging Party's allegation against Respondent. During its investigation, the Commission gathered relevant information. Based upon its investigation, the Commission found no information or records that would raise an inference that Respondent unlawfully discriminated against Charging Party on the basis of her race, sex, age, or in retaliation for engaging in a protected activity. As a result, the Commission entered into its records a finding of No Probable Cause.

After the finding of No Probable Cause, Charging Party applied for reconsideration of the Commission's decision. The Commission granted Charging Party's application, and has conducted a reconsideration of its original No Probable Cause decision.

FINDING OF FACT:

Upon reconsideration, the Commission re-examined the information gathered during its original investigation, reviewed additional information provided by the parties and contacted witnesses. After reconsideration, the Commission finds that there was not enough information to show Charging Party was harassed or subjected to different terms and conditions of the workplace due to race, sex, age, or in retaliation for engaging in a protected activity. There is no indication that Charging Party engaged in protected activity wherein she opposed discrimination. Charging Party could not show that she was subjected to different terms and conditions of work and there is no indication that Charging Party was subjected to actions that were severe or pervasive enough to rise to the level of harassment. Respondent has a right to change the requirements for the job and there is no indication it was done to disqualify Charging Party or that the changes were discriminatory in nature. This is a legitimate, non-discriminatory reason. The Commission finds no credible information supporting Charging Party's allegations of unlawful activity.

**OHIO
CIVIL RIGHTS
COMMISSION**

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Executive Director

Commissioners

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DECISION:

The Ohio Civil Rights Commission determines that **NO PROBABLE CAUSE** exists to believe that Respondent engaged in an unlawful discriminatory practice under Ohio Revised Code Section 4112.02.

FOR DUAL FILED CHARGES ONLY:

If your charge was filed with both OCRC and the U.S. Equal Employment Opportunity Commission (EEOC), you have the right to request that the EEOC do a review of the OCRC's findings. The request for such a review must be sent directly to the offices of the EEOC. To secure such a review, you must request it in writing within **FIFTEEN (15) days** of this determination.

NOTICE OF RIGHT TO JUDICIAL REVIEW:

This determination of the Ohio Civil Rights Commission constitutes a final order of the Commission and is subject to judicial review. Revised Code 4112 .06 sets forth the right to obtain judicial review of this order and the mode and procedure thereof. A petition for judicial review of a Commission order must be filed within **THIRTY (30) days** of mailing of the order. For further information on the process of obtaining judicial review of this order, you are advised to consult an attorney.

FOR THE COMMISSION,



Vera F. Boggs
Regional Director

cc: Charging Party Representative:
Chanda L. Brown
Walton + Brown LLP
395 E. Broad Street, Suite 200
Columbus, Ohio 42315

Respondent Representative:
Leonard J. Bazelak
Department of Law, Civil Division
City of Dayton
101 West Third Street
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